

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STATE OF WISCONSIN, ex rel.
RONALD R. KOTAS,

Petitioner,

v.

CIRCUIT COURT OF PORTAGE COUNTY
and JUDGE FINN,

Respondents.

ORDER

10-cv-238-wmc

Petitioner has submitted a proposed mandamus action asking this court to approve a writ of error coram nobis. On May 5, 2010, the court found that petitioner did not qualify for indigent status because he and his wife have a combined annual income of \$46,464. Petitioner now moves for reconsideration because he says that he has substantial debts that the court did not consider when addressing his financial situation.

Specifically petitioner indicates that he has a monthly mortgage payment in the amount of \$1,600, insurance payments totaling \$230 per month, approximately \$200 per month in utility expenses, credit card debt and other household expenses that prevent him from being able to pay the \$350 fee for filing this lawsuit.

The court does not find these debts to be substantial in light of petitioner's income. These are normal monthly expenses that most families have, not substantial debts that would require individual consideration. Petitioner has not reported that his monthly income of \$3,872 has decreased or that his annual income has fallen below \$32,000. Therefore, I cannot find that

petitioner is indigent for the purposes of pursuing this lawsuit. Petitioner's motion for reconsideration of this court's May 5 order will be denied. I will allow petitioner until June 18, 2010 in which to pay the \$350 filing fee or his case will be dismissed without prejudice for failure to prosecute it.

ORDER

IT IS ORDERED that petitioner's motion for reconsideration, dkt. #4, is DENIED.

Further, IT IS ORDERED that petitioner may have until June 18, 2010, in which to pay the \$350 fee for filing this lawsuit. If by June 18, 2010, petitioner fails to pay the fee, the clerk of court is directed to enter judgment dismissing this case without prejudice for petitioner's failure to prosecute it.

Entered this 20th of May, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge